APPENDIX -- STATUTORY PROVISIONS

19 U.S.C. § 1673. Imposition of antidumping duties

If—

(1) the administering authority determines that a class or kind of foreign merchandise is being, or is likely to be, sold in the United States at less than its fair value, and

(2) the Commission determines that—

> (A) an industry in the United States-- (i) is materially injured, or (ii) is threatened with material injury, or
> (B) the establishment of an industry in the United States is materially retarded,
>
> by reason of imports of that merchandise or by reason of sales (or the likelihood of sales) of that merchandise for importation,

then there shall be imposed upon such merchandise an antidumping duty, in addition to any other duty imposed, in an amount equal to the amount by which the normal value exceeds the export price (or the constructed export price) for the merchandise. For purposes of this section and section 1673d(b)(1) of this title, a reference to the sale of foreign merchandise includes the entering into of any leasing arrangement regarding the merchandise that is

equivalent to the sale of the merchandise.

(June 17, 1930, ch. 497, title VII, Sec. 731, as added Pub. L. 96-39, title I, Sec. 101, July 26, 1979, 93 Stat. 162; amended Pub. L. 98-573, title VI, Sec. 602(b), Oct. 30, 1984, 98 Stat. 3024; Pub. L. 103-465, title II, Sec. 233(a)(1)(A), (2)(A)(i), Dec. 8, 1994, 108 Stat. 4898.)

19 U.S.C. § 1675. Administrative review of determinations

(a) Periodic review of amount of duty

(1) In general

At least once during each 12-month period beginning on the anniversary of the date of publication of a countervailing duty order under this subtitle or under section 1303 \1\ of this title, an antidumping duty order under this subtitle or a finding under the Antidumping Act, 1921, or a notice of the suspension of an investigation, the administering authority, if a request for such a review has been received and after publication of notice of such review in the Federal Register, shall—

(A) review and determine the amount of any net countervailable subsidy,

(B) review, and determine (in accordance with paragraph (2)), the amount of any antidumping duty, and

(C) review the current status of, and compliance with, any agreement by reason of which an investigation was suspended, and review the amount of any net countervailable subsidy or dumping margin involved in the agreement,

and shall publish in the Federal Register the results of such review, together with notice of

any duty to be assessed, estimated duty to be deposited, or investigation to be resumed.

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(3) Time limits

(A) Preliminary and final determinations

The administering authority shall make a preliminary determination under subparagraph (A), (B), or (C) of paragraph (1) within 245 days after the last day of the month in which occurs the anniversary of the date of publication of the order, finding, or suspension agreement for which the review under paragraph (1) is requested, and a final determination under paragraph (1) within 120 days after the date on which the preliminary determination is published. If it is not practicable to complete the review within the foregoing time, the administering authority may extend that 245-day period to 365 days and may extend that 120-day period to 180 days. The administering authority may extend the time for making a final determination without extending the time for making a preliminary determination, if such final determination is made not later than 300 days after the date on which the preliminary determination is published.

(B) Liquidation of entries

If the administering authority orders any liquidation of entries pursuant to a review under paragraph (1), such liquidation shall be made promptly and, to the greatest extent practicable, within 90 days after the instructions to Customs are issued. In any case in which liquidation has not occurred within that 90-day period, the Secretary of the Treasury shall, upon the request of the affected party, provide an explanation thereof.

(C) Effect of pending review under section 1516a

In a case in which a final determination under paragraph (1) is under review under section 1516a of this title and a liquidation of entries covered by the determination is enjoined under section 1516a(c)(2) of this title or suspended under section 1516a(g)(5)(C) of this title, the administering authority shall, within 10 days after the final disposition of the review under section 1516a of this title, transmit to the Federal Register for publication the final disposition and issue instructions to the Customs Service with respect to the liquidation of entries pursuant to the review. In such a case, the 90-day period referred to in subparagraph (B) shall begin on the day on which the administering authority

issues such instructions.

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(June 17, 1930, ch. 497, title VII, Sec. 751, as added Pub. L. 96-39, title I, Sec. 101, July 26, 1979, 93 Stat. 175; amended Pub. L. 98-573, title VI, Sec. 611(a)(2), (3), Oct. 30, 1984, 98 Stat. 3031; Pub. L. 99-514, title XVIII, Sec. 1886(a)(8), Oct. 22, 1986, 100 Stat. 2922; Pub. L. 100-418, title I, Sec. 1333(b), Aug. 23, 1988, 102 Stat. 1209; Pub. L. 103-465, title II, Secs. 220(a), 283(c), Dec. 8, 1994, 108 Stat. 4857, 4930; Pub. L. 106-36, title II, Sec. 2410, June 25, 1999, 113 Stat. 171.)

19 U.S.C. § 1677. Definitions; special rules

For purposes of this subtitle—

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(34) Dumped; dumping

The terms ``dumped'' and ``dumping'' refer to the sale or likely sale of goods at less than fair value.

(35) Dumping margin; weighted average dumping margin

(A) Dumping margin

The term "dumping margin" means the amount by which the normal value exceeds the export price or constructed export price of the subject merchandise.

(B) Weighted average dumping margin

The term ``weighted average dumping margin'' is the percentage determined by dividing the aggregate dumping margins determined for a specific exporter or producer by the aggregate export prices and constructed export prices of such exporter or producer.

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(June 17, 1930, ch. 497, title VII, Sec. 771, as added Pub. L. 96-39, title I, Sec. 101, July 26, 1979, 93 Stat. 176; amended Pub. L. 98-573, title VI, Sec. 612(a), Oct. 30, 1984, 98 Stat. 3033; Pub. L. 99-514, title XVIII, Sec. 1886(a)(9), Oct. 22, 1986, 100 Stat. 2922; Pub. L. 100-418, title I, Secs. 1312, 1316(b), 1326(a)-(c), 1327-1330, 1335, Aug. 23, 1988, 102 Stat. 1184, 1187, 1203-1206, 1210; Pub. L. 100-449, title IV, Sec. 403(d), Sept. 28, 1988, 102 Stat. 1887; Pub. L. 100-647, title IX, Sec. 9001(a)(5), Nov. 10, 1988, 102 Stat. 3807; Pub. L. 101-382, title I, Sec. 139(a)(3), title II, Sec. 224(a), (b), Aug. 20, 1990, 104 Stat. 653, 659, 660; Pub. L. 103-182, title IV, Sec. 412(b), title VI, Sec. 637(b), Dec. 8, 1993, 107 Stat. 2146, 2203; Pub. L. 103-465, title II, Secs. 221(b), 222, 229(b), 233(a)(3), (4), (5)(BB)-(FF), (b), 251, 266, 267, 270(c)(2), (e), Dec. 8, 1994, 108 Stat. 4869, 4890, 4898-4902, 4915, 4917, 4918; Pub. L. 104-295, Sec. 20(b)(7), (14), Oct. 11, 1996, 110 Stat. 3527.)

19 U.S.C. § 3512. Relationship of agreements to United States law and State law

(a) Relationship of agreements to United States law

(1) United States law to prevail in conflict

No provision of any of the Uruguay Round Agreements, nor the application of any such provision to any person or circumstance, that is inconsistent with any law of the United States shall have effect.

(2) Construction

Nothing in this Act shall be construed--

(A) to amend or modify any law of the United States, including any law relating to--

(i) the protection of human, animal, or plant life or health,

(ii) the protection of the environment, or

(iii) worker safety, or

(B) to limit any authority conferred under any law of the United States, including section 2411 of this title, unless specifically provided for in this Act.

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(c) Effect of agreement with respect to private remedies

(1) Limitations

No person other than the United States--

(A) shall have any cause of action or defense under any of the Uruguay Round Agreements or by virtue of congressional approval of such an agreement, or

(B) may challenge, in any action brought under any provision of law, any action or inaction by any department, agency, or other instrumentality of the United States, any State, or any political subdivision of a State on the ground that such action or inaction is inconsistent with such agreement.

(2) Intent of Congress

It is the intention of the Congress through paragraph (1) to occupy the field with respect to any cause of action or defense under or in connection with any of the Uruguay Round Agreements, including by precluding any person other than the United States from bringing any action against any State or political subdivision thereof or raising any defense to the application of State law under or in connection with any of the Uruguay Round Agreements--

(A) on the basis of a judgment obtained by the United States in an action brought under any such agreement; or

(B) on any other basis.

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(Pub. L. 103-465, title I, Sec. 102, Dec. 8, 1994, 108 Stat. 4815.)

19 U.S.C. § 3533. Dispute settlement panels and procedures

* * *

(g) Requirements for agency action

(1) Changes in agency regulations or practice

In any case in which a dispute settlement panel or the Appellate Body finds in its report that a regulation or practice of a department or agency of the United States is inconsistent with any of the Uruguay Round Agreements, that regulation or practice may not be amended, rescinded, or otherwise modified in the implementation of such report unless and until—

(A) the appropriate congressional committees have been consulted under subsection (f) of this section;

(B) the Trade Representative has sought advice regarding the modification from relevant private sector advisory committees established under section 2155 of this title;

(C) the head of the relevant department or agency has provided an opportunity for public comment by publishing in the Federal Register the proposed modification and the explanation for the modification;

(D) the Trade Representative has submitted to the appropriate congressional committees a report describing the proposed modification, the reasons for the modification, and a summary of the advice obtained under subparagraph (B) with respect to the modification;

(E) the Trade Representative and the head of the relevant department or agency have consulted with the appropriate congressional committees on the proposed contents of the final rule or other modification; and

(F) the final rule or other modification has been published in the Federal Register.

(2) Effective date of modification

A final rule or other modification to which paragraph (1) applies may not go into effect before the end of the 60-day period beginning on the date on which consultations under paragraph (1)(E) begin, unless the President determines that an earlier effective date is in the national interest.

(3) Vote by congressional committees

During the 60-day period described in paragraph (2), the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate may vote to indicate the agreement or disagreement of the committee with the proposed contents of the final rule or other modification. Any

such vote shall not be binding on the department or agency which is implementing the rule or other modification.

(4) Inapplicability to ITC

This subsection does not apply to any regulation or practice of the International Trade Commission.

* * *

(Pub. L. 103-465, title I, Sec. 123, Dec. 8, 1994, 108 Stat. 4830.)